



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/921,127

08/03/2001

Christian Kraft

004770.00787

6446

22907 7590 07/07/2009

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

PEACHES, RANDY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/921,127	KRAFT, CHRISTIAN	
	Examiner	Art Unit	
	RANDY PEACHES	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-14 and 16-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1, 4-14 and 16*** are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (U.S. Patent Number 5,953,541) in view of Walker (U.S. Patent Number 6,528,741 B2) in further view of Tsuji et al. (U.S. Patent Number 5,581,599) in further view of Guo U.S. Patent Publication Number 20020135499.

Regarding ***claims 1 and 14***, King et al discloses in column 9 lines 10-15, a method comprising:

- receiving a user keystroke corresponding to pressing one of the data entry-keys (56), which reads on claimed "alpha-numeric keys", the pressing of the said data entry keys configured for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of different characters". See columns 3, 9, 12 lines 20-25 lines 48-56 lines 5-25, respectively.

- a default, which is the first letter of the group of character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.
- receiving user selection of a character to be inserted into text string. See column 4 lines 55-64)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group. King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

However, the combination of Walker and King fails to clearly state that the dedicated key is a scrolling key.

Tsuji et al. states in column 10 lines 33-45, wherein the key is a dedicated scroll key. See FIGURE 1.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) to further include Tsuji et al. to further include Guo U.S. Patent Publication Number 20020135499 in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 8**, as the above combination of King et al (U.S. Patent Number 5,953,541), Walker (U.S. Patent Number 6,528,741 B2), Tsuji et al. (U.S. Patent Number 5,581,599) and Guo are made, the combination according to **claim 7**, wherein Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Art Unit: 2617

Regarding **claims 4 and 9**, as the above combination of King et al (U.S. Patent Number 5,953,541), Walker (U.S. Patent Number 6,528,741 B2), Tsuji et al. (U.S. Patent Number 5,581,599) and Guo are made, the combination according to **claims 1 and 7**, wherein Walker further teaches in the in column 2 lines 32-47, where the user is able to utilize the said first (3) and second key (2), with distinctive strokes utilizing both hands, to select desired characters containing the next character.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 5**, King et al discloses in column 9 lines 10-15 text-editing terminal, comprising:

- a keypad (54) for entering a character, said keypad including a plurality of character entry alphanumeric keys having respective groups of different characters assigned to each of the plurality of alpha numeric keys. See column 8 lines 45-63
- a character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.

Art Unit: 2617

- the user is allowed to scroll through the characters included in the character group for appointing the desired character, and (See column 4 lines 55-64)
- the user selects the appointed character to be inserted from the plurality of different characters into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group. King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses:

- a miniaturized keyboard/keypad, as taught in Walker FIGURE 1 column 1 lines 15-20, for entering characters into a text, said keypad has at least a plurality of character entry keys having respective groups of characters assigned. See Walker, FIGURE 1;
- a display (4) for displaying the entered text; See Walker, FIGURE 1 column 1 lines 56-57.
- a first key (3), which reads on claimed "scroll key", for appointing one of the characters in said respective groups of characters, and;
- selection means for selecting the appointed character to be inserted into the entered text. See Walker column 2 lines 26-31.
- Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further

teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

However, the combination of Walker and King fails to clearly state that the dedicated key is a scrolling key.

Tsuji et al. states in column 10 lines 33-45 and lines 47-60, wherein the key is a dedicated scroll key when in editor mode. See FIGURE 1.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) to further include Tsuji et al. in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 6**, as the above combination of King et al (U.S. Patent Number 5,953,541), Walker (U.S. Patent Number 6,528,741 B2), Tsuji et al. (U.S. Patent Number 5,581,599) and Guo are made, the combination according to **claim 5**, further discloses in Walker's column 1 lines 8-14, of a mobile telephone having email functionality, which reads on claimed "text messaging application".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone to successfully transmit email messages.

Regarding **claim 7**, King et al discloses in column 9 lines 10-15 text-editing terminal, comprising:

- a processor (100)
- a memory configured to store computer readable instruction that, when executed by a said processor (100), cause the apparatus to perform a method comprising:
- receiving a user keystroke corresponding to pressing one of the data entry-keys (56), which reads on claimed "alpha-numeric keys", the pressing of the said data entry keys configured for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of different characters". See columns 3, 9, 12 lines 20-25 lines 48-56 lines 5-25, respectively.
- a default, which is the first letter of the group of character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.

Art Unit: 2617

- receiving user selection of a character to be inserted into text string. See column 4 lines 55-64)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group. King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

However, the combination of Walker and King fails to clearly state that the dedicated key is a scrolling key.

Tsuji et al. states in column 10 lines 33-45, wherein the key is a dedicated scroll key. See FIGURE 1.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) to further include Tsuji et al. in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 10 and 12**, as the above combination of King et al, Walker and Tsuji et al. are made, the combination according to **claim 1**, wherein Walker teaches whereby the apparatus is in column 1 lines 8-14, 38-47, of a mobile telephone with a text editing application. See King et al. column 9 lines 10-15

Regarding **claims 11 and 16**, as the above combination of King et al, Walker and Tsuji et al. and Guo are made, the combination according to **claims 1 and 14**, wherein King et al. discloses the editor mode is a mode within an operation of the disambiguating system, as taught by King in column 9 lines 48-60.

Regarding **claim 17**, as the above combination of King et al, Walker and Tsuji et al. and Guo are made, the combination according to **claim 14**, wherein the another key corresponds to a non-scrolling function when not in the editor mode.

Regarding **claim 13**, as the above combination of King et al, Walker and Tsuji et al. are made, the combination according to **claim 5**, wherein Walker teaches

Art Unit: 2617

whereby the apparatus is in column 1 lines 8-14, 38-47, of a mobile telephone with a text editing application. See King et al. column 9 lines 10-15.

2. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (U.S. Patent Number 5,953,541) in view of Walker (U.S. Patent Number 6,528,741 B2) ,Tsuji et al. (U.S.Patent Number 5,581,599) and Guo in view of Heie (U.S. Patent Number 6,473,621).

Regarding **claim 15**, as the above combination of King et al, Walker, Tsuji et al. Guo are made, the combination according to **claim 14**, fails to disclose wherein the user selection of character corresponds to activation of a space key. Heie discloses in column 1 lines 54-58 wherein the character can be selected via a space key.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al , Walker, Tsuji et al. and Guo to further include Heie in order to provide a system capable of selecting a character using the space key.

Response to Arguments

Applicant's arguments filed 4/21/2009 have been fully considered but they are not persuasive.

Initially the Applicant's argues that the cited prior art of Walker fails to clearly teach of using a key to "scroll". Accordingly, the Examiner reminds that

Art Unit: 2617

Applicant that the exact wording does not have to appear in the prior art in order to be considered as valid in the association to the pending case. Therefore, the Applicant asserts that, *"simply put, the above described selection of a character in Walker does not describe scrolling. Moreover, Applicant notes that the terms "scroll" or "scrolling" are nowhere to be found in Walker."* The Examiner again respectfully disagrees. Walker's first key (3) is used specifically to toggle/scroll through the characters represented according to each of the second keys (2) when a key is depressed. Therefore, the Examiner maintains that the cited prior art of record does indeed teach of scrolling through characters that are associated with a key (2).

In regards to the Applicant's argument that the dedicated key is a scroll key when in editor mode, the Examiner respectfully reminds the Applicant that it is well known in the field of the art that when these keys are being used to compose something, the key are automatically in editor mode. However, the Examiner has further included a reference to the cited prior art to support such assertion. See King et al. column 9 lines 10-15. In addition, Tsuji et al. clearly teach of the edit mode as well in the below figure.

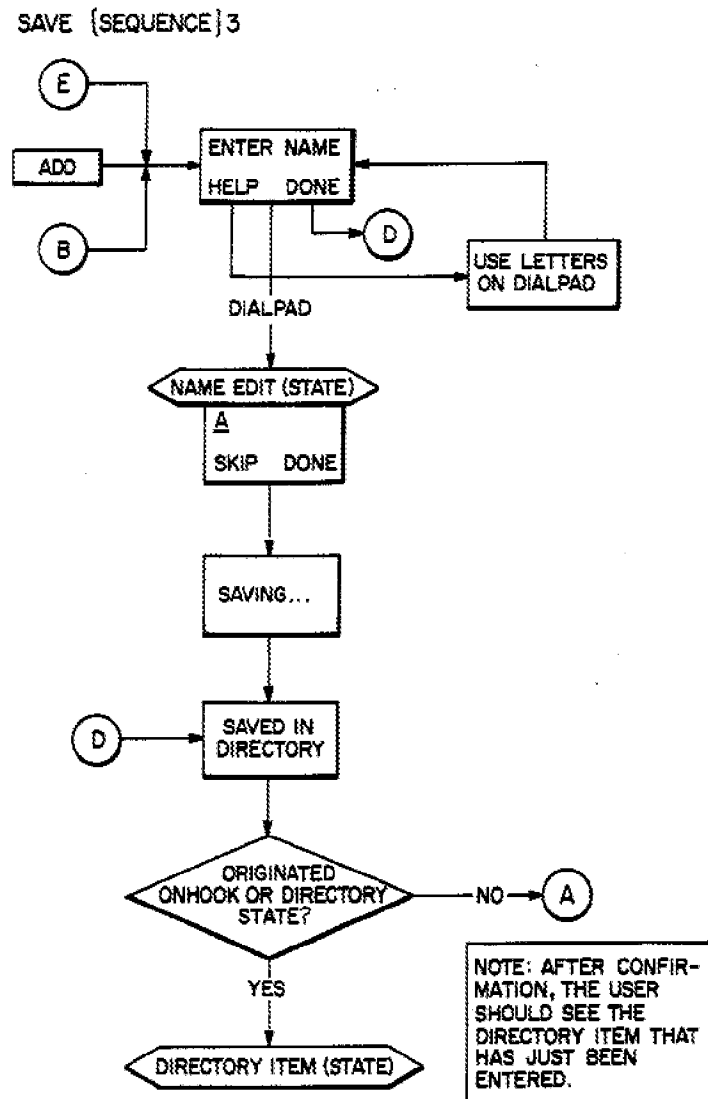


FIG. 8c

Claims 1, 4-14 and 16-17 stand rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDY PEACHES whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The

Art Unit: 2617

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617